

ROBBINS, RUSSELL, ENGLERT, ORSECK & UNTEREINER LLP

1801 K STREET, N.W., SUITE 411
WASHINGTON, D.C. 20006
PHONE (202) 775-4500
FAX (202) 775-4510

June 25, 2001

The Honorable Patrick Leahy
United States Senator
Senate Judiciary Committee
433 Russell Senate Office Building
United States Senate
Washington, D.C. 20510

Re: Nomination of John G. Roberts, Jr.

Dear Senator Leahy:

We write to support the nomination of John Roberts to the United States Court of Appeals for the District of Columbia Circuit. Each of us served with Mr. Roberts in the Office of the Solicitor General during the time that he was Deputy Solicitor General. Although we are of diverse political parties and persuasions, each of us is firmly convinced that Mr. Roberts would be a truly superb addition to the federal court of appeals.

As the Committee will doubtless hear from many quarters, John is an incomparable appellate lawyer. Indeed, it is fair to say that he is one of the foremost appellate lawyers in the country. But we know him best in his capacity as Deputy Solicitor General – and in that capacity, he served his country and the Office of the Solicitor General with great distinction. The Office then, as now, comprised lawyers of every political affiliation – Democrats, Republicans, and Independents. Mr. Roberts was attentive to and respectful of all views, and he represented the United States zealously but fairly. He had the deepest respect for legal principles and legal precedent – instincts that will serve him well as a court of appeals judge.

In recent days, the suggestion has surfaced in press accounts that Mr. Roberts may be expected to vote in particular cases along the lines intimated in briefs he filed while in the Office of the Solicitor General. As lawyers who served in that Office, we emphatically dispute that assumption. Perhaps uniquely in our society, lawyers are called upon to advance legal arguments

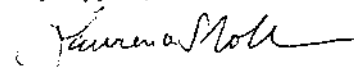
ROBBINS, RUSSELL, ENGLERT, ORSECK & UNTEREINER LLP

The Honorable Patrick Leahy
June 25, 2001
Page 2

for clients with whom they may, in their private capacities, disagree. It is not unusual for an individual lawyer to disagree with a client, while at the same time fulfilling the ethical duty to provide zealous representation within the bounds of law. And government lawyers, including those who serve in the Solicitor General's Office, are no different. They too have clients - federal agencies and officers, with a broad and diverse array of policies and interests. Moreover, the Solicitor General, unlike a private lawyer, does not have the option of declining a representation and telling a federal agency to find another lawyer.

We hope the foregoing is of assistance to the Committee in its consideration of Mr. Roberts's nomination. He is a superbly qualified nominee.

Very truly yours,



Lawrence S. Robbins
Robbins, Russell, Englert, Orseck
& Untereiner LLP*
1801 K Street, N.W.
Suite 411
Washington, D.C. 20006

Michael Lazerwitz
Cleary, Gottlieb, Steen & Hamilton
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Christopher Wright
Harris, Wiltshire & Grannis
1200 18th Street, N.W.
Washington, D.C. 20036

Alan Horowitz
Miller & Chevalier
655 15th Street, N.W.
Suite 900
Washington, D.C. 20005-5701

* All references to institutions are for identification purposes only.

ROBINS, RUSSELL, ENGLERT, ORSECK & UNTEREINER LLP

The Honorable Patrick Leahy
June 25, 2001
Page 3

Maureen Mahoney
Latham & Watkins
555 Eleventh Street, N.W.
Suite 1000
Washington, D.C. 20004-1304

Stephen Marzen
Shearman & Sterling
801 Pennsylvania Avenue, N.W.
Ninth Floor
Washington, D.C. 20004-2604

Stephen Nightingale
Counsel
ING North America Insurance Corporation
151 Farnington Avenue, TS31
Hartford, CT 06156-8975

William Kelley
Notre Dame Law School
Notre Dame, IN 46556

Richard Seamon
University of South Carolina
School of Law
Main & Greene Streets -- Room 303
Columbia, SC 29208

Thomas Hungar
Gibson, Dunn & Crutcher
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306

ROBBINS, RUSSELL, ENGLERT, ORSECK & UNTEREINER LLP
The Honorable Patrick Leahy
June 25, 2001
Page 4

David Shapiro
Harvard University Law School
Cambridge, MA 02138

Thomas W. Merrill
John Paul Stevens Professor of Law
Northwestern University Law School
357 East Chicago Avenue
Chicago, IL 60611

John F. Manning
Columbia University School of Law
435 W. 116th Street
New York, NY 10027